

Amendment and Response [Under 37 C.F.R. § 1.116 - Expedited Examining Procedure]

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Serial No.: 10/790,355

Confirmation No.: 9409

Filed: 1 March 2004

For: WALK-BEHIND IMPLEMENT AND HANDLE ASSEMBLY RELEASE APPARATUS FOR  
USE WITH SAME

### Remarks

The Office Action of 22 March 2006 has been received and reviewed, as has the Advisory Action of 18 July 2006 and the subsequent Examiner Interview (with an advanced copy of the revised Advisory Action) transmitted via facsimile on 2 August 2006. It is noted that the revised Advisory Action is not yet available in PAIR, so this Response is made based upon a review of the copy of the Advisory Action received via facsimile on 2 August 2006.

With claims 1, 3-12, 15, 16, 18-21, and 24-26 having been canceled, claim 23 having been amended (to address minor issues only), and claims 27-30 having been added, the pending claims are claims 22, 23, and 27-30. Withdrawal of the rejections and allowance of the application are respectfully requested for at least the reasons set forth below.

### Examiner Interview

Applicant's Representative, Matthew Adams (Reg. No. 43,459) appreciates the time of Examiner Torres and Examiner Will in discussing this matter and in providing the Interview Summary (including an advanced copy of the revised Advisory Action) sent via facsimile on 2 August 2006. Based on the latter, it is understood that Applicant's previous Response dated 5 May 2006 WAS NOT entered and thus the status of the claims remains as it was prior to the submission of the 5 May 2006 Response. It is also understood that pending claims 22-23 are allowable, and that claims 4-6 and 18 are objected to but would be allowable if redrafted in independent form. Applicant understands that proposed claims 28 and 29 (submitted in the unentered 5 May 2006 Response) would be allowable if resubmitted in an amendment canceling the non-allowable claims. Applicant further understands that the Office considers proposed claims 27 and 30 (submitted in the unentered 5 May 2006 Response) to lack some subject matter present in original claims 4 and 18, respectively. Claims 27 and 30 are re-presented herein and now include the subject matter that was asserted to be lacking in the proposed claims.

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Claim 23 has been amended to address only minor cosmetic issues. For example, the claim has been amended to recite that it is "the handle assembly" (rather than the handle member) that is unlocked from the first operating position to better correspond with the rest of the claim (see, e.g., claim 23, lines 4-6). Further, for example, a comma has been removed. These amendments are not intended to narrow the scope of the claim.

It is respectfully requested that this amendment be entered and considered as it includes only minor, insubstantial changes.

**If the Examiner believes that this amendment raises any new issue, it is respectfully requested that Applicant's representative, Matthew Adams, be contacted BY PHONE to discuss the matter before issuing another official communication.**

**Claim Objections/Rejections**

Claims 15 and 16 were objected to. Claims 1, 3, 7-12, 15, 16, 19-21, and 24-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Keese (U.S. Pat. No. 3,702,016) in view of Chou (U.S. Pat. No. 5,447,217). While Applicant does not agree with the substance of the rejection, these claims are canceled herein, rendering their respective rejections moot.

**Allowable Subject Matter**

Applicant notes that claims 22 and 23 stand allowed, and that claims 4-6 and 18 would be allowable if redrafted in independent form to include recitations from their respective base and intervening claims.

Once again, claim 23 has been amended herein only to address minor cosmetic issues (see "Claim Amendment" section above). Entry and consideration of this amendment is respectfully requested.

Please also enter and consider new claims 27-30, which include subject matter originally recited in now-canceled claims 4-6 and 18, respectively. As indicated by the Advisory Action

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sent via facsimile on 2 August 2006, proposed claims 28 and 29 (which were submitted in the unentered 5 May 2006 Response) were allowable and are thus re-presented herein as new claims 28 and 29. Newly-presented claims 27 and 30, however, have been revised from those originally proposed in the unentered 5 May 2006 Response to address the Office's concern enumerated in the Advisory Action transmitted via facsimile on 2 August 2006. It is believed that claims 27 and 30 are now in condition for allowance and notification to that effect is requested.

**Summary**

It is submitted that the pending claims are in condition for allowance and notification to that effect is requested. The Examiner is invited to contact Applicant's Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted

By

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4 August 2006  
Date

By: Matthew W. Adams

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**CERTIFICATE UNDER 37 CFR §1.8:**

The undersigned hereby certifies that this paper is being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 4th day of August, 2006, at 1:09 pm (Central Time).

By: Sam E. WignatName: Sam E. Wignat